

**MINUTES OF THE CITY COMMISSION MEETING
OCTOBER 13, 2003**

The City of Leesburg Commission held a regular meeting Monday, October 13, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:30 p.m. with the following members present:

Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Commissioner David Knowles
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Mayor Connelly gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
SEPTEMBER 22, 2003 AND SPECIAL MEETING HELD SEPTEMBER 29, 2003**

Commissioner Knowles moved to approve the City Commission minutes of the regular meeting held September 22, 2003 and special meeting held September 29, 2003. Commissioner Perry seconded the motion and it carried unanimously.

PRESENTATIONS:

1. Environmental Services Director (ESD) Ray Sharp presented Roger Hall with a service award for 10 years with the City of Leesburg.
2. Fire Chief (FC) Dennis Sargent shared the Life Safety Achievement Award for 2002, which was recently presented to the Fire Department. He noted in 2002 the City of Leesburg had zero fire deaths. He thanked the community for living in a safe way. FC Sargent stated only 1900 Fire Departments in the United States received this award.

PROCLAMATIONS:

1. Mayor Connelly proclaimed October 2003 as Greenway and Trails Month by reading the proclamation in its entirety.

CONSENT AGENDA:

Commissioner Perry moved to approve the Consent Agenda and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

Mayor Connelly

Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

PURCHASING ITEMS:

1. Purchase 59 computers awarded to Hewlett Packard for \$80,000.00.
2. Purchase 30 MSA self-contained breathing apparatus units and related accessories awarded to Ten-8 Fire Equipment for \$89,035.77.

RESOLUTIONS:

RESOLUTION 6941

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a Workers' Compensation Management Care arrangement between the City of Leesburg and Choice Medical Management and Unisource Administrators to provide and manage appropriate remedial treatment, care and attendance to injured workers; and providing an effective date.

RESOLUTION 6942

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a supplement agreement with HTE, Inc. to provide additional software and training as detailed in the supplement to the City of Leesburg and providing an effective date.

RESOLUTION 6943

A resolution by the City of Leesburg, Lake County, Florida, authorizing the Mayor and City Clerk to execute an amendment to the agreement for the lease of dark fiber by and between the City of Leesburg and The Villages of Lake-Sumter, Inc.; and providing an effective date.

RESOLUTION 6944

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the City Commission to execute a lease agreement between the City of Leesburg and L.L. Swor, Inc. dba Furniture Country Galleries; and providing an effective date.

RESOLUTION 6945

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute the sublease agreement between Highlands Centre a Florida Partnership and Flying Colors of Leesburg, Inc. for the purpose of subletting property at the Leesburg Regional Airport; and providing an effective date.

RESOLUTION 6946

A resolution of the City Commission of the City of Leesburg, Florida, authorizing approval of the revised Section 8 Housing Choice Voucher Transfer agreement between the City of Leesburg and the Lake County Board of County Commissioners; and providing an effective date.

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

RESOLUTION 6947

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor of the City of Leesburg to accept a grant from the Florida Department of Law Enforcement for funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant program and committing funds to provide the match as required by the program; providing for an effective date. (Camera)

RESOLUTION 6948

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement for grant funding between the City of Leesburg and Leesburg Center for the Arts, Inc. during fiscal year 2003-04 and providing an effective date.

RESOLUTION 6949

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Armory Board, State of Florida, for the purpose of providing a utility credit to the Armory Board in exchange for use of the Armory for city sponsored events; and providing an effective date.

RESOLUTION 6950

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment to the agreement between the City of Leesburg and Riddle-Newman Engineering, Inc. for the purposes of extending the current contract for engineering services, and providing an effective date.

PUBLIC HEARINGS:

ADOPTED RESOLUTION 6951 AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT WITH ARLINGTON RIDGE, LLC AND FRA INVESTMENTS, LTD.

CA Morrison stated the developer's agreement being introduced is the best deal for the City in terms of governing the development and getting the City some benefits. One big factors is FRA Investment previously received a PUD for this property under which the land can be developed. The request for the Community Development District (CDD) allows the City to negotiate for benefits.

DCM Johnson stated an independent, outside financial advisor, Jeff Larson, reviewed the financial statements and materials for the CDD. Mr. Larson's review states the developer and the individuals involved are credible and have a good track history to complete the project.

Commissioner Perry asked if the City waives any governing rights with the CDD. DCM Johnson stated there are some added impact fees for police and fire services in the developer's agreement and the City does not give up any rights. The CDD is the financing mechanism to achieve cheaper financing for the developers to achieve their goals.

Commissioner Knowles questioned if the City of Leesburg backs the bonds. DCM Johnson stated the City does not back the bonds at all. Also, reporting is governed by the State.

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

Commissioner Perry introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Arlington Ridge, LLC and FRA Investments, LTD for the purpose of setting forth terms and conditions for the development of the residential subdivision to be named Arlington Ridge and providing an effective date.

Commissioner Puckett moved to adopt the resolution and Commissioner Knowles seconded the motion.

Commissioner Knowles questioned if the privately owned golf course would be sold in the future to the residents and if so, how would the price be determined. Jonathan Johnson, attorney for Arlington Ridge LLC, stated the owner is not looking to do this at this time. Later, if it is sold to the residents, then the golf course will be appraised to determine the price.

Commissioner Knowles questioned if the Board of Directors will be voted on by the residents once a certain number of people become residents. Mr. Johnson stated that is true once the Statute regulations are met.

Commissioner Knowles questioned what happens if citizens decide to allocate enough money to reduce the bond funding. and not do anything other than what was already completed. Mr. Johnson stated the bond covenants, which will be embodied in the indenture, will require the facilities financed by the District be maintained by the District at a level that is acceptable to the bondholder.

Commissioner Puckett asked why the ownership question came up. Attorney Steve Ritchey stated the ownership issue of the golf course was questioned during the last meeting. This is reassurance that transfer of the ownership is not being considered at this time.

The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-94 ESTABLISHING THE ARLINGTON RIDGE COMMUNITY DEVELOPMENT DISTRICT

ACC Richardson read the ordinance by title only as follows:

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

An ordinance of the City of Leesburg, Florida, establishing the Arlington Ridge Community Development District pursuant to Chapter 190, Florida Statutes; containing legislative findings; naming the district; describing the external boundaries of the district; describing the functions and powers of the district; designating persons to serve as the initial members of the district's board of supervisors; providing a severability clause; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion.

Mayor Connelly requested questions from the audience. There were none.

The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 03-95 AMENDING §5-1 OF THE CODE OF ORDINANCES ADDING A DEFINITION FOR THE "SALE" OF INTOXICATING BEVERAGE

ACC Richardson read the ordinance by title only as follows:

An ordinance amending §5-1 of the Code of Ordinances of the City of Leesburg, adding a definition for the "sale" of intoxicating beverages; providing that the term "sale" where used in Chapter 5 of the Code shall include the provision by commercial establishments to their patrons of intoxicating beverages without charge or payment of consideration; repealing conflicting ordinances, providing a savings clause, and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

INTRODUCED AN ORDINANCE AMENDING THE FISCAL YEAR 2002-2003 BUDGET FOR THE CAPITAL PROJECTS FUND

Commissioner Puckett introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the Fiscal Year 2002-03 budget for the Capital Projects Fund, and providing an effective date.

INTRODUCED AN ORDINANCE ACCEPTING A WARRANTY DEED FROM JAMES C. & REBA K. OWENBY FOR LAND IN SECTION 23-19-24 (CANAL STREET)

Commissioner Perry introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a warranty deed given by James C. Owenby and Reba K. Owenby, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE AMENDING CHAPTER 25-134 OF THE CODE OF ORDINANCES - REGARDING REQUIREMENTS FOR A PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION, AND SIGN POSTING OF REZONING IN CONNECTION WITH ANNEXATION OF PROPERTY INTO THE CITY OF LEESBURG

Commissioner Perry introduced the ordinance be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, amending §25-134 of the Code of Ordinances pertaining to notification of amendments to the zoning map, to provide for posting of signs by City staff; to provide for notification to surrounding property owners; to require a public hearing before the Planning and Zoning Commission; to clarify that the list of property owners is to be derived from the most recent ad valorem tax roll; to require that notice be sent by mail to surrounding property owners where property is rezoned in connection with its annexation; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

APPROVED RANKING OF FIRMS TO PROVIDE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PLANNING AND ADMINISTRATIVE SERVICES FOR ECONOMIC DEVELOPMENT PROJECTS

Commissioner Perry moved to approve the recommended ranking of the firms. Commissioner Knowles seconded the motion. The roll call vote was:

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the ranking of the firms as follows:

1. Fred Fox
2. Jordan & Associates
3. Meridian
4. Angie Brewer & Associates
5. LBFH, Inc.
6. Grantway Services

CITY ATTORNEY ITEMS:

1. CA Morrison gave an update on the code enforcement injunction against Mr. Coburn. CA Morrison stated sale of the property is pending so the City may be paid for the liens.
2. CA Morrison stated the appeal against the Sumter County dump site will be filed soon. This will be filed jointly with other involved parties.

CITY MANAGER ITEMS: None

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – stated this was the shortest meeting in 5 years.

Commissioner Puckett – none

Commissioner Knowles – none

Mayor Connelly – stated Saturday October 25, 2003 is Make a Difference Day. He recommends the City government get involved. Mayor Connelly has spoken with Mrs. Mann, director of the Food Bank. She stated the Food Bank is low on food. Mayor Connelly recommends donating food to the Food Bank. Mrs. Mann will be acknowledged at the next City Commission Meeting for her dedication to the Food Bank.

Mayor Connelly questioned ESD Sharp if the City is prepared for growth. ESD Sharp stated the City has ample water to serve the Arlington Ridge Development. He noted there are really two issues: 1.) ability to pump water – the City has more than ample capacity; and 2.) consumptive use amount – the City is well under the permitted amount. The City appears to be in good shape for the projected future. ESD Sharp stated in the wastewater area, the City has approximately 1 mgd unused capacity at Canal Street and 2 mgd at the Turnpike plant. This is plenty of capacity for expansion. Mayor Connelly stated in the past 3 years there have only been 45 homes built –

MINUTES OF THE CITY COMMISSION MEETING HELD OCTOBER 13, 2003

25 were over 55 restricted and 20 were single family. The total growth in population of City of Leesburg has risen from 14,000 to 16,000 or 3% a year for the past 3 years.

Commissioner Knowles moved to adjourn the meeting and Commissioner Perry seconded the motion. The meeting adjourned at 6:01 p.m.

Mayor

Attest:

Acting City Clerk

Diane L. Gibson Smith
Recorder

MINUTES 031013